

**REMARKS**

The Official Action mailed February 26, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 24, 2003; August 11, 2003; and November 14, 2007.

Claims 1-4 and 11-22 are pending in the present application, of which claims 1, 2, 11 and 12 are independent. Claims 1, 2, 11 and 12 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects independent claim 1 and dependent claims 3 and 15 as anticipated by U.S. Patent No. 6,043,512 to Adachi. Paragraph 4 of the Official Action rejects independent claim 2 and dependent claims 4 and 16 as anticipated by Adachi. Paragraph 5 of the Official Action rejects independent claim 11 and dependent claim 13 as obvious based on Adachi. Paragraph 6 of the Official Action rejects independent claim 12 and dependent claim 14 as anticipated by Adachi. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended. Paragraph 8 of the Official Action rejects claims dependent 17 and 18 as obvious based on Adachi. Paragraph 9 of the Official Action rejects dependent claims 19-22 as obvious based on Adachi. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

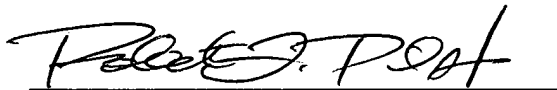
As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach, either explicitly or inherently, or suggest all the features of the independent claims, as amended. Specifically, independent claim 1 has been amended to recite a second island like semiconductor layer having a first portion covering a second projection and a second portion not covering the second projection; and a capacitor comprising the second portion, which is supported in the present specification, for example, by Figure 14. Also, independent claims 2, 11 and 12 have been amended to recite similar features. The Applicant respectfully submits that Adachi does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention.

Since Adachi does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention, anticipation and obviousness rejections cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Pilaud", is written over a horizontal line.

Robert L. Pilaud  
Reg. No. 53,470

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789